

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

J.B. HUNT TRANSPORT, INC.,

Plaintiff,

v.

CASE NO. 05-73810
HON. LAWRENCE P. ZATKOFF

CITY OF ROMULUS,

Defendant.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM

Plaintiff filed its Complaint on October 5, 2005. Plaintiff's Complaint contains the following three counts:

- Count I Violation of Procedural Due Process;
- Count II Violation of Substantive Due Process; and
- Count III Conversion

See Complaint.

The Court has subject matter jurisdiction over Counts I and II because they arise under federal law. *See* 28 U.S.C. § 1331. Count III, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D.

Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's conversion claim (Count III) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Counts I and II).

IT IS SO ORDERED.

Date: October 14, 2005

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE